

REMARKS

Claims 1, 4, 6, 7, 9-11, 13, 14, 19, 21, 23-26, 30, 32, 34-40, 56-65, 67, 68, 82, 103-107, 109-112 and 117-138 are pending in this application. No claim amendments are made herein. Claims 2, 3, 5, 8, 12, 15-18, 20, 22, 27-29, 31, 33, 41-55, 66, 69-81, 83-102, 113-116, 144 and 148 were previously canceled. Claims 108, 139-143, 145-147 and 149-158 were canceled by Examiner's amendment. Accordingly, no new matter has been added.

Formal Matters

Applicants acknowledge the Examiner's amendment canceling claims 108, 139-143, 145-147 and 149-158 (*see* Examiner's Amendment at p. 2). Applicants further acknowledge the Examiner's statement that the previously withdrawn claims have been rejoined and allowed. *Id.* Thus, in accordance with the Notice of Allowability mailed on July 22, 2010, Applicants have maintained previously withdrawn claims 14, 25, 26, 30, 34-40, 56-65, 67, 68, 104-107, 111, 112 and 117-138 in the listing of claims herewith.

Applicants have amended the Related Applications section of the specification as shown herein. The priority claim was present in the application as filed and was reflected on the filing receipt mailed on May 17, 2004. Accordingly, Applicants request that the Examiner enter the amendment into the record.

Comments on Statement of Reasons for Allowance

Applicants thank the Examiner for his statement that the pending claims are allowed (*see* Examiner's Amendment at p. 2). With regard to the reasons for allowance, the Examiner noted that "Although part of the instant claim scope is encompassed by the Hlavka reference, such as in col. 141 where "n=0" in the definition of "R", one of ordinary skill in the art is not sufficiently taught by the prior art how to select the subgenus of the instant claims such that the instant claims are obvious over the prior art." *Id.* at p. 3. Applicants traverse the Examiner's statement that "part of the instant claim scope is encompassed by the Hlavka reference."

The pending claims recite compounds where R^7 (*i.e.*, the 7-position) is hydrogen or $NR^{7c}C(=W')WR^{7a}$. In contrast, the compounds cited by the Examiner in col. 141 (*i.e.*, claim 1) of Hlavka (U.S. RE40,183) recite the variable X at the 7-position where X is selected from amino, NR^1R^2 , or halogen. Further, R^1 and R^2 are defined as specific unsubstituted lower alkyl moieties. Applicants note that the pending claims do not recite compounds where R^7 can be amino (*i.e.*, NH_2) or a halogen atom. Further, the pending claims do not recite compounds where R^7 can be a lower alkyl substituted amino group. As a result, the pending claims are not encompassed at all by the Hlavka reference. Further, as noted by the Examiner, the R and X variables of Hlavka differ from the instant claims in a non-obvious manner (*see* Examiner's Amendment at p. 3).

Thus, Applicants agree with the Examiner's conclusion that the pending claims are allowable and respectfully request the issuance of a patent therefor.

CONCLUSION

If there are any questions regarding this amendment and/or these remarks, the Examiner is respectfully requested to telephone the Applicants' attorney/agent undersigned.

Respectfully submitted,



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